

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

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|---------------------------|---|-------------------------------------|
| United States of America, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 1:08-cr-54 |
| |) | |
| Howard O. Kieffer, |) | |
| |) | |
| Defendant. |) | AMENDED ORDER DENYING MOTION |

Before the Court is the Defendant's motion for continuance. Trial is currently scheduled for April 14, 2009. As grounds for the motion the Defendant states that he is Jewish and the current trial date falls during Passover which runs from April 8 through April 16 this year. The United States oppose the motion.

This matter has already been continued twice. The original trial date was November 18, 2008. Trial was continued until January 6, 2009, in order to afford the defense adequate time to prepare for trial. Trial was continued second time after a superseding indictment was filed. The second continuance was granted on December 17, 2008, and set trial for April 14, 2009.

The current motion for continuance was filed on March 2, 2009. The joint motion requesting the second continuance asked that trial be scheduled in or after April 2009. That joint motion made no mention of a need to accommodate the Defendant's observance of Passover. The current motion does not explain why trial cannot be held during Passover or why the Defendant waited so long to file his latest request for a continuance. Trials are inconvenient for a great many people, including witnesses and jurors. Had the Defendant raised the issue back in December the Court may have been able to accommodate him. The Court finds the motion to be untimely.

Accordingly, the motion for continuance is **DENIED**.

IT IS SO ORDERED.

Dated this 11th day of March, 2009.

/s/ Patrick A. Conmy

Patrick A. Conmy, Senior District Judge
United States District Court